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District Counsel

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE  
DISTRICT, dba TULARE  
REGIONAL MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897  
Address: 869 N. Cherry St.  
Tulare, CA 93274

CASE NO. 17-13797

Chapter 9

DC No.: WW-5

Date: N/A  
Time: N/A  
Place: 2500 Tulare Street  
Fresno, CA 93721  
Courtroom 13  
Judge: Honorable René Lastreto II

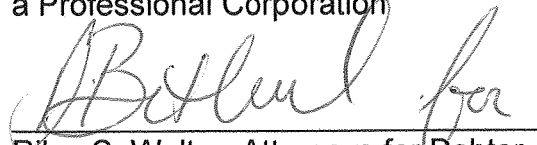
**EXHIBIT TO DECLARATION IN SUPPORT OF APPLICATION FOR ORDER  
SHORTENING TIME AND PRESCRIBING NOTICE OF HEARING ON MOTION FOR  
ENTRY OF AN ORDER (1) DIRECTING AND APPROVING FORM OF NOTICE OF  
COMMENCEMENT; (2) SETTING DEADLINE FOR FILING OBJECTIONS TO  
PETITION; and (3) FOR RELIEF UNDER CHAPTER 9**

<u>Exhibit</u>	<u>Description</u>	<u># of Pages</u>
A	MOTION FOR ENTRY OF AN ORDER (1) DIRECTING AND APPROVING FORM OF NOTICE OF COMMENCEMENT; (2) SETTING DEADLINE FOR FILING OBJECTIONS TO PETITION; and (3) FOR RELIEF UNDER CHAPTER 9	4

Dated: 10/30, 2017

WALTER WILHELM LAW GROUP,  
a Professional Corporation

By:

  
Riley C. Walter, Attorneys for Debtor,  
Tulare Local Healthcare District

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EASTERN DISTRICT OF CALIFORNIA  
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In re

TULARE LOCAL HEALTHCARE  
DISTRICT, dba TULARE  
REGIONAL MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897  
Address: 869 N. Cherry St.  
Tulare, CA 93274

CASE NO. 17-13797

Chapter 9

DC No.: WW-5

Date: November 16, 2017  
Time: 9:20 a.m.  
Place: 2500 Tulare Street  
Fresno, CA 93721  
Courtroom 13  
Judge: Honorable René Lastreto II

**MOTION FOR ENTRY OF AN ORDER (1) DIRECTING AND APPROVING FORM OF  
NOTICE OF COMMENCEMENT; (2) SETTING DEADLINE FOR FILING  
OBJECTIONS TO PETITION; and (3) FOR RELIEF UNDER CHAPTER 9**

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EXHIBIT A  
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1 TO THE HONORABLE RENÉ LASTRETO II, UNITED STATES BANKRUPTCY  
2 JUDGE:

3 Tulare Local Healthcare District, dba Tulare Regional Medical Center ("TRMC" or  
4 the "Debtor" or the "District"), hereby moves for entry of an order: (1) approving the  
5 proposed form of notice of commencement of this case pursuant to Section 923 (the  
6 "Notice"); and (2) pursuant to Section 921, setting a deadline for the filing of any  
7 objections to the Chapter 9 petition initiating this Chapter 9 case. A copy of the  
8 proposed form of order (without attachment) is attached hereto as Exhibit A, and a copy  
9 of the proposed Notice is attached hereto as Exhibit B. In support of this Motion, TRMC  
10 respectfully represents as follows:

### 11 I. BACKGROUND

12 The background history to this Chapter 9 case is well known to the Court given  
13 the papers filed in connection with the Debtor's Motion to Reject Executory Contract  
14 (Healthcare Conglomerate Associates, LLC) (DC# WW-1) and the Statement of  
15 Qualifications and Memorandum of Facts and Law in support thereof filed on October  
16 26, 2017 (DC # WW-4).

17 Due to its financial problems and the governance dispute with Healthcare  
18 Conglomerate Associates, LLC ("HCCA"), and to head off a threatened shut down of the  
19 hospital by HCCA, on September 30, 2017, TRMC filed its Chapter 9 Petition in the  
20 United States Bankruptcy Court for the Eastern District of California, Fresno Division.

### 21 II. ARGUMENT

#### 22 A. The Proposed Form of Notice is Adequate.

23 Section 923 requires that notice be given of the commencement of a chapter 9  
24 case and of the order for relief. The required notice also must be published at least once  
25 a week for three successive weeks in (a) at least one newspaper of general circulation  
26 published within this judicial district, and (b) a newspaper having a general circulation  
27 among bond dealers and bondholders.

28 EXHIBIT  
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1 TRMC submits that the Notice (Exhibit B) satisfies the requirements of Section  
2 923. The Notice includes notice of the automatic stay and the deadline for objections to  
3 TRMC's eligibility to be a Chapter 9 debtor, and provides that, if no objection to the  
4 petition is filed by a specified time and date, the Notice will constitute notice of the entry  
5 of an order for relief. The Notice also enumerates the persons that must be served with  
6 any objection.

7 The Notice contemplates publication in the *Visalia Times-Delta* and *The Bond*  
8 *Buyer*. The *Visalia Times-Delta* is a newspaper of general circulation, and is published  
9 within Tulare County in this judicial district. The *Visalia Times-Delta* is particularly  
10 appropriate for providing notice of the case to constituents and stakeholders of TRMC  
11 because it has long reported news regarding TRMC. TRMC further submits that *The*  
12 *Bond Buyer* is a publication of general circulation among municipal bond dealers and  
13 bondholders. TRMC respectfully submits that publication of the Notice in such  
14 newspapers constitutes good and sufficient notice that is consistent with the  
15 requirement of Section 923.

16 TRMC understands that the Clerk of the Court will mail the Notice to the United  
17 States Trustee's Office and, using the mailing matrix filed with the list required by  
18 Section 924, as amended, to the creditors listed thereon. TRMC intends to begin  
19 publishing the Notice in the *Visalia Times-Delta* and *The Bond Buyer* shortly after the  
20 Court's approval thereof, once per week for three consecutive weeks.

21 **B. It is Appropriate to Order that Objections to TRMC's Petition be Filed on or**  
22 **Before December 22, 2017.**

23 Section 921(d) provides for the entry of an order for relief unless the petition is  
24 dismissed under Section 921(c), which authorizes the dismissal of a petition if, after an  
25 objection to the petition is filed, the court determines that the petition was not filed in  
26 good faith, or that the petition does not meet the eligibility requirements. Although  
27 Section 921(c) contemplates the possibility of objections to a chapter 9 petition, it does  
28 not set a deadline for filing such objections.

EXHIBIT

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On October 26, 2017, TRMC filed its "Statement of Qualifications under Bankruptcy Code Section 109(c)." On October 26, 2017 it filed a memorandum of facts and law and declarations in support of Section 109(c) eligibility. The declarations were supported by numerous exhibits. It is prudent and practical to set a deadline by when parties must submit objections contending that the petition was not filed in good faith or does not meet the eligibility requirements. To expedite the entry of an order for relief in this case and remove any uncertainty created by the absence of express timing provisions in Section 921(d), TRMC requests that the deadline for filing objections be established for December 22, 2017, a date that is about 14 days after the estimated date of the publication of the third and final notice in the *Visalia Times-Delta* and in *The Bond Buyer*.

## II. CONCLUSION

WHEREFORE, TRMC requests that the Court enter an order, substantially in the form attached hereto as Exhibit A (i) approving the form of notice filed concurrently as Exhibit B; (ii) approving the manner of publication in the *Visalia Times-Delta* and *The Bond Buyer* as set forth in the Notice; (iii) directing the Clerk of the Court to mail the Notice to all creditors listed on TRMC's List of Creditors filed pursuant to Section 924 and in accordance with Bankruptcy Rule 1007(e); (iv) establishing December 22, 2017, as the deadline for the filing of objections to TRMC's Chapter 9 Petition; and (v) granting such other and further relief as the Court deems appropriate.

Dated: \_\_\_\_\_, 2017

WALTER WILHELM LAW GROUP,  
a Professional Corporation

By: \_\_\_\_\_

Riley C. Walter, Attorneys for Debtor,  
Tulare Local Healthcare District

EXHIBIT A

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